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Attorneys for Plaintiff
Daniel Hernandez

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL HERNANDEZ,

Plaintiff,

vs.

FRANK PEREIRA, et al.,

Defendants.

Case No. 3:15-cv-00796

**STIPULATION AND ~~[PROPOSED]~~
ORDER SETTING CASE
MANAGEMENT SCHEDULE AND
SELECTING ADR PROCESS**

Judge: Hon. Jon S. Tigar
Dept.: Courtroom 9, 19th Floor

Pursuant to Civil Local Rule 6-2, Plaintiff Daniel Hernandez (“Plaintiff”) and Defendant City and County of San Francisco (“Defendant,” and jointly with Plaintiff, the “Parties”), through their respective counsel of record herein, hereby agree and stipulate to the following:

STIPULATION

WHEREAS, the Parties previously stipulated on June 22, 2015, to the ADR process of Mediation to be completed after the hearing on dispositive motions (dkt. no. 11);

WHEREAS, Plaintiff's counsel filed a Motion to Withdraw (dkt. no. 23), and it was granted by the Court on October 14, 2015 (dkt. no. 25);

WHEREAS, Plaintiff appeared *pro per* at the Court's Initial Case Management Conference held on February 10, 2016 (dkt. no. 30), and the Further Case Management Conference on March 9, 2016 (dkt. no. 33) and filed a Case Management Statement on his own behalf (dkt. no. 32);

WHEREAS, the Court's scheduling order entered on March 25, 2016, set the following deadlines: (1) deadline to add parties or amend the pleadings was March 8, 2016; (2) fact discovery cut-off was September 30, 2016; (3) expert disclosures were due October 21, 2016; (4) expert rebuttal deadline was November 11, 2016; (5) expert discovery cut-off was December 2, 2016; (6) deadline to file dispositive motions was December 23, 2016; (7) pretrial conference statement was due March 14, 2017; (8) pretrial conference was set for March 24, 2017; and (9) jury trial was set for April 17, 2017;

WHEREAS, the case was reassigned to Defendant's undersigned counsel, Ms. Renée Erickson, on March 29, 2016 (dkt. no. 35);

WHEREAS, Plaintiff filed a Motion to Appoint Counsel for Limited Scope Representation (dkt. no. 36), and the Court referred this matter to the Federal Pro Bono Project for appointment of counsel for the purposes of a Settlement Conference (dkt. no. 38);

WHEREAS, on June 13, 2016, the Court appointed Plaintiff's undersigned counsel for the limited scope of representing Plaintiff at Settlement Conference and stayed the case for four weeks (dkt. no. 39);

WHEREAS, the Parties and their counsel met and conferred, and agreed to participate in a Settlement Conference prior to the filing of dispositive motions;

WHEREAS, the Parties filed a Notice of Need for ADR Phone Conference (dkt. no. 41) and held a phone conference with Mr. Howard Herman, Director of ADR Program, on September

1 26, 2016, and discussed the Parties' interest in participating in a Settlement Conference with a
2 Magistrate Judge prior to dispositive motions, instead of Mediation after the hearing on
3 dispositive motions;

4 WHEREAS, during that phone conference, the Parties were informed of the 60 to 90 days
5 that it takes to get a Settlement Conference on a Magistrate Judge's calendar;

6 WHEREAS, the Parties determined that the trial date and case management schedule
7 should be moved to accommodate the time needed to participate in a Settlement Conference and
8 potentially resolve this matter;

9 WHEREAS, the Parties have met and conferred to establish a mutually agreeable,
10 modified case management schedule and trial date;

11 NOW, THEREFORE, the Parties hereby stipulate and jointly move the Court for the
12 following case management schedule and ADR process:

- 13 1. This matter shall be moved out of the Court's Mediation program
 - 14 2. Parties shall participate in a Settlement Conference with a Magistrate Judge
 - 15 3. Fact discovery cut-off is February 13, 2017
 - 16 4. Expert disclosures deadline is March 6, 2017
 - 17 5. Expert rebuttal deadline is March 27, 2017
 - 18 6. Expert discovery cut-off is April 17, 2017
 - 19 7. Parties shall file dispositive motions by May 8, 2017
 - 20 8. Parties shall file pretrial conference statements by July 3, 2017
 - 21 9. Pretrial conference shall be July 21, 2017
 - 22 10. Jury trial shall be set for August 14, 2017
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1 Dated: September 30, 2016

VINSON & ELKINS LLP

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3 By: /s/
4 MORTIMER H. HARTWELL
5 Attorneys for Plaintiff, Daniel
6 Hernandez

7 By: /s/
8 VINCENT BARREDO
9 Attorneys for Plaintiff, Daniel
10 Hernandez

11 By: /s/
12 DANIEL HERNANDEZ
13 Plaintiff

14 Dated: September 30, 2016

OFFICE OF THE CITY ATTORNEY

15 By: /s/
16 RENÉE ERICKSON
17 Attorneys for Defendant, City and
18 County of San Francisco
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DECLARATION OF VINCENT BARREDO

I, Vincent Barredo, hereby declare as follows:

1. I am an associate with the law firm of Vinson & Elkins LLP, attorneys of record for Plaintiff Daniel Hernandez ("Plaintiff") in this action.

2. I am licensed to practice law before the courts of the State of California and before this Court.

3. I make this declaration in support of the Parties' Stipulation Setting Case Management Schedule and Selecting ADR Process.

4. I have personal knowledge of the matters set forth herein and, if called as a witness to testify as to such matters, I could and would testify competently thereto.

5. The Parties previously stipulated on June 22, 2015, to the ADR process of Mediation to be completed after the hearing on dispositive motions. Plaintiff's counsel withdrew on October 14, 2015, and a case management schedule was set while Plaintiff was representing himself *pro per*.

6. I was appointed on June 13, 2015, as Plaintiff's counsel, for the limited purpose of representation at a Settlement Conference.

7. The Parties and their counsel met and conferred, and agreed to participate in a Settlement Conference prior to the filing of dispositive motions.

8. The Parties held a phone conference with Mr. Howard Herman, Director of ADR Program, on September 26, 2016, and discussed the Parties' interest in participating in a Settlement Conference with a Magistrate Judge prior to filing dispositive motions, instead of Mediation after the hearing on dispositive motions. The Parties also discussed the 60 to 90 days that it takes to get a Settlement Conference on a Magistrate Judge's calendar.

9. The Parties determined that the trial date and case management schedule should be moved to accommodate the time needed to participate in a Settlement Conference and potentially resolve this matter.

10. The Parties have met and conferred to establish a mutually agreeable modified case management schedule and trial date.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct.

3 Executed on this 30th day of September, 2016, in San Francisco, California.

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5 /s/
6 VINCENT BARREDO
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FILER'S ATTESTATION

I, Vincent Barredo, am the ECF user whose identification and password are being used to file this Stipulation and [Proposed] Order Setting Case Management Schedule and Selecting ADR Process. Pursuant to L.R. 5-1(i)(3), I hereby attest that concurrence in the electronic filing of this document has been obtained from each of the other signatories.

VINSON & ELKINS LLP

By: /s/
VINCENT BARREDO

ORDER

Pursuant to the Stipulation between the Parties, it is hereby ORDERED that:

1. This matter shall be moved out of the Court's Mediation program
2. Parties shall participate in a Settlement Conference before a Magistrate Judge
3. Fact discovery cut-off is February 13, 2017
4. Expert disclosures deadline is March 6, 2017
5. Expert rebuttal deadline is March 27, 2017
6. Expert discovery cut-off is April 17, 2017
7. Parties shall file dispositive motions by May 8, 2017
8. Parties shall file pretrial conference statements by July 3, 2017
9. Pretrial conference shall be July 21, 2017
10. Jury trial shall be set for August 14, 2017

IT IS SO ORDERED.

Dated: October 3, 2016



Hon. Jon S. Tigar